

SEVENTEENTH DAY - JANUARY 26, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 2007

PRAYER

The prayer was offered by Pastor James Fedlam, First Presbyterian Church, Humboldt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Erdman, Langemeier, and Mines who were excused; and Senators Ashford and Nantkes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 80. Placed on Select File - ER8003.
ER8003

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-5318, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5318 (1) The Drinking Water Facilities Loan Fund is
- 6 created. The fund shall be held as a trust fund for the purposes
- 7 and uses described in the Drinking Water State Revolving Fund Act.
- 8 The fund shall consist of federal capitalization grants,
- 9 state matching appropriations, proceeds of state match bond issues
- 10 credited to the fund, repayments of principal and interest on
- 11 loans, and other money designated for the fund. The director
- 12 may make loans from the fund pursuant to the Drinking Water
- 13 State Revolving Fund Act and may conduct activities related to
- 14 financial administration of the fund, administration or provision

15 of technical assistance through public water system source water
16 assessment programs, and implementation of a source water petition
17 program under the Safe Drinking Water Act. The state investment
18 officer shall invest any money in the fund available for investment
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska
20 State Funds Investment Act, except that any bond proceeds in
21 the fund shall be invested in accordance with the terms of the
22 documents under which the bonds are issued. The state investment
23 officer may direct that the bond proceeds shall be deposited with
1 the bond trustee for investment. Investment earnings shall be
2 credited to the fund.

3 The department may create or direct the creation of
4 accounts within the fund as the department determines to be
5 appropriate and useful in administering the fund and in providing
6 for the security, investment, and repayment of bonds.

7 The fund and the assets thereof may be used, to the
8 extent permitted by the Safe Drinking Water Act and the regulations
9 adopted and promulgated pursuant to such act, to pay or to secure
10 the payment of bonds and the interest thereon, except that amounts
11 deposited into the fund from state appropriations and the earnings
12 on such appropriations may not be used to pay or to secure the
13 payment of bonds or the interest thereon.

14 (2) The Land Acquisition and Source Water Loan Fund is
15 created. The fund shall be held as a trust for the purposes and
16 uses described in the Drinking Water State Revolving Fund Act.

17 The fund shall consist of federal capitalization grants,
18 state matching appropriations, proceeds of state match bond issues
19 credited to the fund, repayments of principal and interest on
20 loans, and other money designated for the fund. The director may
21 make loans from the fund pursuant to the Drinking Water State
22 Revolving Fund Act and may, in consultation with the Director of
23 Regulation and Licensure, conduct activities other than the making
24 of loans permitted under section 1452(k) of the Safe Drinking Water
25 Act. The state investment officer shall invest any money in the
26 fund available for investment pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act, except
1 that any bond proceeds in the fund shall be invested in accordance
2 with the terms of the documents under which the bonds are issued.
3 The state investment officer may direct that the bond proceeds
4 shall be deposited with the bond trustee for investment. Investment
5 earnings shall be credited to the fund.

6 The department may create or direct the creation of
7 accounts within the fund as the department determines to be
8 appropriate and useful in administering the fund and in providing
9 for security, investment, and repayment of bonds.

10 The fund and assets thereof may be used, to the extent
11 permitted by the Safe Drinking Water Act and the regulations
12 adopted and promulgated pursuant to such act, to pay or secure
13 the payment of bonds and the interest thereon, except that amounts

14 credited to the fund from state appropriations and the earnings on
15 such appropriations may not be used to pay or to secure the payment
16 of bonds or the interest thereon.

17 The director may transfer any money in the Land
18 Acquisition and Source Water Loan Fund to the Drinking Water
19 Facilities Loan Fund.

20 (3) There is hereby created the Drinking Water
21 Administration Fund. Any funds available for administering loans
22 or fees collected pursuant to the Drinking Water State Revolving
23 Fund Act shall be remitted to the State Treasurer for credit to
24 such fund. The fund shall be administered by the department for the
25 purposes of the act. The state investment officer shall invest any
26 money in the fund available for investment pursuant to the Nebraska
27 Capital Expansion Act and the Nebraska State Funds Investment Act.
1 Investment earnings shall be credited to the fund.

2 The fund and assets thereof may be used, to the extent
3 permitted by the Safe Drinking Water Act and the regulations
4 adopted and promulgated pursuant to such act, to fund subdivisions
5 (9), (10), and (11) of section 71-5322. The annual obligation
6 of the state pursuant to subdivisions (9) and (11) of section
7 71-5322 shall not exceed sixty-five percent of the revenue from
8 administrative fees collected pursuant to section 71-5321 in the
9 prior fiscal year.

10 The director may transfer any money in the Drinking
11 Water Administration Fund to the Drinking Water Facilities Loan
12 Fund to meet the state matching appropriation requirements of any
13 applicable federal capitalization grants or to meet the purposes of
14 subdivision (9) of section 71-5322.

15 Sec. 2. Section 71-5322, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-5322 The department shall have the following powers
18 and duties:

19 (1) The power to establish a program to make loans
20 to owners of public water systems, individually or jointly, for
21 construction or modification of safe drinking water projects in
22 accordance with the Drinking Water State Revolving Fund Act and
23 the rules and regulations of the council adopted and promulgated
24 pursuant to such act;

25 (2) The power, if so authorized by the council pursuant
26 to section 71-5321, to execute and deliver documents obligating
27 the Drinking Water Facilities Loan Fund or the Land Acquisition
1 and Source Water Loan Fund and the assets thereof to the extent
2 permitted by section 71-5318 to repay, with interest, loans to
3 or credits into such funds and to execute and deliver documents
4 pledging to the extent permitted by section 71-5318 all or part of
5 such funds and assets to secure, directly or indirectly, the loans
6 or credits;

7 (3) The duty to prepare an annual report for the Governor
8 and the Legislature;

9 (4) The duty to establish fiscal controls and accounting
10 procedures sufficient to assure proper accounting during
11 appropriate accounting periods, including the following:
12 (a) Accounting from the Nebraska Investment Finance
13 Authority for the costs associated with the issuance of bonds
14 pursuant to the act;
15 (b) Accounting for payments or deposits received by the
16 funds;
17 (c) Accounting for disbursements made by the funds; and
18 (d) Balancing the funds at the beginning and end of the
19 accounting period;

20 (5) The duty to establish financial capability
21 requirements that assure sufficient revenue to operate and maintain
22 a facility for its useful life and to repay the loan for such
23 facility;

24 (6) The power to determine the rate of interest to be
25 charged on a loan in accordance with the rules and regulations
26 adopted and promulgated by the council;

27 (7) The power to develop an intended use plan, in
1 consultation with the Director of Regulation and Licensure, for
2 adoption by the council;

3 (8) The power to enter into required agreements with the
4 United States Environmental Protection Agency pursuant to the Safe
5 Drinking Water Act; ~~and~~

6 (9) The power to enter into agreements for the purpose
7 of providing loan forgiveness concurrent with loans to public
8 water systems operated by political subdivisions with populations
9 of ten thousand inhabitants or less which demonstrate serious
10 financial hardships. The department may enter into agreements for
11 up to one-half of the eligible project cost. Such agreements
12 shall contain a provision that payment of the amount allocated is
13 conditional upon the availability of appropriated funds;

14 (10) The power to provide emergency funding to public
15 water systems operated by political subdivisions with drinking
16 water facilities which have been damaged or destroyed by natural
17 disaster or other unanticipated actions or circumstances. Such
18 funding shall not be used for routine repair or maintenance of
19 facilities;

20 (11) The power to provide financial assistance consistent
21 with the intended use plan, described in subdivision (7) of this
22 section, for completion of engineering studies, research projects
23 to investigate low-cost options for achieving compliance with safe
24 drinking water standards, preliminary engineering reports, regional
25 water system planning, source water protection, and other studies
26 for the purpose of enhancing the ability of communities to meet
27 the requirements of the Safe Drinking Water Act, to public water
1 systems operated by political subdivisions with populations of ten
2 thousand inhabitants or less which demonstrate serious financial
3 hardships. The department may enter into agreements for up to

- 4 ninety percent of the eligible project cost. Such agreements
 5 shall contain a provision that payment of the amount obligated is
 6 conditional upon the availability of appropriated funds; and
 7 ~~(9)-(12)~~ Such other powers as may be necessary and
 8 appropriate for the exercise of the duties created under the
 9 Drinking Water State Revolving Fund Act.
 10 Sec. 3. Original sections 71-5318 and 71-5322, Reissue
 11 Revised Statutes of Nebraska, are repealed.
 12 2. On page 1, lines 1 and 2, strike ", 71-5321,"; and in
 13 line 3 strike "rules and regulations,".

LEGISLATIVE BILL 94. Placed on Select File.

LEGISLATIVE BILL 98. Placed on Select File.

LEGISLATIVE BILL 167. Placed on Select File - ER8001.

(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 44. Placed on Select File - ER8002.
 ER8002

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 32-913, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 32-913 (1) The clerks of election shall have a list
 6 of registered voters of the precinct and a sign-in register at
 7 the polling place on election day. The list of registered voters
 8 shall be used for guidance on election day and may be in the
 9 form of a computerized, typed, or handwritten list or precinct
 10 registration cards. Registered voters of the precinct shall place
 11 and record their signature in the sign-in register before receiving
 12 any ballot. The list of registered voters and the sign-in register
 13 may be combined into one document at the discretion of the election
 14 commissioner or county clerk. If a combined document is used, a
 15 clerk of election may list the names of the registered voters in a
 16 separate book in the order in which they voted.
 17 (2) Within twenty-four hours after the polls close in the
 18 precinct, the precinct inspector or one of the judges of election
 19 shall deliver the precinct list of registered voters and the
 20 precinct sign-in register to the election commissioner or county
 21 clerk. The election commissioner or county clerk shall file and
 22 preserve the list and register. No ~~clerk of election member of a~~
 23 receiving board who has custody or charge of the precinct list of
 1 registered voters and the precinct sign-in register shall permit
 2 the list or register to leave his or her possession from the time
 3 of receipt until he or she delivers them to another member of the
 4 receiving board or to the precinct inspector or judge of election
 5 for delivery to the election commissioner or county clerk.

6 Sec. 2. Section 32-914, Revised Statutes Cumulative
 7 Supplement, 2006, is amended to read:
 8 32-914 (1) Official ballots shall be used at all
 9 elections. No person shall receive a ballot or be entitled to
 10 vote unless and until he or she is registered as a voter except
 11 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
 12 32-936.

13 (2) Except as otherwise specifically provided, no ballot
 14 shall be handed to any voter at any election until:

15 (a) He or she announces his or her name and address to
 16 the clerk of election;

17 (b) The clerk has found that he or she is a registered
 18 voter at the address as shown by the precinct list of registered
 19 voters unless otherwise entitled to vote in the precinct under
 20 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;

21 (c) The voter has presented a photographic identification
 22 which is current and valid at the time of the election, or a
 23 copy of a utility bill, bank statement, paycheck, government check,
 24 or other government document which is current at the time of the
 25 election and which shows the same name and residence address of
 26 the voter that is on the precinct list of registered voters, if

27 the voter registered by mail after January 1, 2003, and has not
 1 previously voted in an election for a federal office within the
 2 county and a notation appears on the precinct list of registered
 3 voters that the voter has not previously presented identification
 4 to the election commissioner or county clerk;

5 (d) ~~The clerk has instructed~~ As instructed by the clerk
 6 of election, the registered voter to-has personally write-written
 7 his or her name (i) in the precinct sign-in register on the
 8 appropriate line which follows the last signature of any previous
 9 voter or (ii) in the combined document containing the precinct list
 10 of registered voters and the sign-in register; and

11 (e) The clerk has listed on the precinct list of
 12 registered voters the corresponding line number and name of the
 13 registered voter or has listed the name of the voter in a separate
 14 book as provided in section 32-913.

15 Sec. 3. Section 32-1026, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 32-1026 (1) Upon completion of the counting of votes, the
 18 counting board shall place all voted ballots in the ballots-cast
 19 container. Rejected ballots shall be placed in the envelope
 20 designated Rejected Ballots, and the envelope shall be sealed
 21 and placed in the ballots-cast container with the voted ballots.
 22 The ballots-cast container shall then be sealed.

23 (2) ~~The~~ Except as otherwise provided in this subsection,
 24 the precinct list of registered voters and the official summary of
 25 votes cast number one shall be sealed in an envelope designated
 26 for such purpose. The precinct sign-in register and the official
 27 summary of votes cast number two shall be sealed in an envelope

1 designated for such purpose and shall be subject to inspection
 2 by any registered voter who may wish to examine them after the
 3 election. If a combined document is used as provided in section
 4 32-913, the combined document shall be sealed in the envelope with
 5 the official summary of votes cast number two.

6 (3) The counting board shall prepare another summary of
 7 votes cast from the official summary showing the total number of
 8 votes cast for each candidate and the office for which he or she
 9 was a candidate and the total number of votes cast for and against
 10 each measure submitted at the election. The summary of votes cast
 11 shall be signed and attested to by the members of the counting
 12 board and sealed in a separate envelope designated for such purpose
 13 to be returned to the election commissioner or county clerk with
 14 other election materials. The election commissioner or county clerk
 15 shall open such envelope and release unofficial returns from the
 16 summary.

17 Sec. 4. Original sections 32-913 and 32-1026, Reissue
 18 Revised Statutes of Nebraska, and section 32-914, Revised Statutes
 19 Cumulative Supplement, 2006, are repealed.

LEGISLATIVE BILL 115. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 1, 2, 21, 24, and 26.

(Signed) Amanda McGill, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Hanson, Marc
 Home Caregivers Association, Nebraska

Hoffman, Jerry
 Education Association, Nebraska State

Inzerello, Allan J.
 Westside Community Schools

Jensen, Ronald L./Jensen Associates, Inc.
 Radcliffe, Walter H. of Radcliffe & Associates

Petz, Natalie, Petz & Company
Coalition for Repeal of the Nebraska Estate Tax

White, Rosemary
AAA Nebraska and The Auto Club Group

REPORT

The following report was received by the Legislature:

Roads, Department of
State Highway Commission Quarterly Report

COMMITTEE REPORT Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark McColley - Nebraska Ethanol Board
Michael S. Thede - Nebraska Ethanol Board

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Louden, Wallman. Nay: None. Absent: None.

(Signed) LeRoy Louden, Chairperson

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Senator Chambers offered the following motion:
Indefinitely postpone LB 344.

SENATOR MCDONALD PRESIDING

Senator Burling asked unanimous consent to pass over LB 344. No objections. So ordered.

LEGISLATIVE BILL 305. Title read. Considered.

Committee AM98, found on page 368, was considered.

Senator Fischer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Fischer moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Synowiecki requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Dubas	Harms	Kruse	Pedersen
Avery	Engel	Heidemann	Louden	Raikes
Burling	Fischer	Hudkins	McDonald	Rogert
Carlson	Flood	Janssen	Nantkes	Schimek
Christensen	Fulton	Johnson	Nelson	Stuthman
Cornett	Gay	Karpisek	Pahls	White
Dierks	Hansen	Kopplin	Pankonin	

Voting in the negative, 3:

Ashford	Chambers	Wallman
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Present and not voting, 8:

Aguilar	Lathrop	Pirsch	Synowiecki
Howard	McGill	Preister	Wightman

Excused and not voting, 4:

Erdman	Friend	Langemeier	Mines
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Advanced to E & R for review with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER FLOOD PRESIDING

LEGISLATIVE BILL 27. Title read. Considered.

Senator Aguilar moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Aguilar requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Adams	Chambers	Hansen	Nelson	Rogert
Aguilar	Cornett	Howard	Pahls	Schimek
Avery	Dubas	Karpisek	Pankonin	Wallman
Burling	Flood	Kruse	Pedersen	White
Carlson	Gay	McGill	Raikes	

Voting in the negative, 7:

Fulton	Janssen	Louden	Wightman
Harms	Lathrop	Preister	

Present and not voting, 10:

Christensen	Hudkins	Kopplin	Nantkes	Stuthman
Fischer	Johnson	McDonald	Pirsch	Synowiecki

Absent and not voting, 1:

Ashford

Excused and not voting, 7:

Dierks	Erdman	Heidemann	Mines
Engel	Friend	Langemeier	

Failed to advance to E & R for review with 24 ayes, 7 nays, 10 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS **Revenue**

LEGISLATIVE BILL 4. Indefinitely postponed.

LEGISLATIVE BILL 41. Indefinitely postponed.

LEGISLATIVE BILL 264. Indefinitely postponed.

LEGISLATIVE BILL 270. Indefinitely postponed.

LEGISLATIVE BILL 359. Indefinitely postponed.

LEGISLATIVE BILL 459. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Judiciary

LEGISLATIVE BILL 341. Placed on General File - Com AM124.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 99. Placed on General File.

LEGISLATIVE BILL 213. Placed on General File.

LEGISLATIVE BILL 237. Placed on General File.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 23. Introduced by Schimek, 27; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Raikes, 25; Wallman, 30.

WHEREAS, William F. Swanson was born on December 20, 1922, in Sutton, Nebraska. Mr. Swanson graduated from Sutton High School in 1940 and served in the Army Tank Corps in World War II from 1943 to 1945; and

WHEREAS, Mr. Swanson graduated from the University of Nebraska in 1947 and married Mary Augustine in 1954; and

WHEREAS, Mr. Swanson worked for the Nebraska Real Estate Commission and was its director from 1951-65, was president of the National Association of License Law Officials, was vice president of H. A. Wolf Company from 1965-70, was a member of the Nebraska Legislature from 1967-72, was a partner of Woods Brothers and Swanson Realtors from 1970-74, and was vice president of Governmental Relations and Corporation Secretary for the University of Nebraska from 1974-90, retiring in 1990; and

WHEREAS, Mr. Swanson was also a member of the Lincoln Board of Realtors, Exchange Club of Lincoln, Executive Club of Lincoln, Republican Men's Club, Westminster Presbyterian Church Board of Trustees, Westminster Presbyterian Church Foundation, March of Dimes, Lancaster County Cornhusker Council of the Boy Scouts of America, Bryan Memorial Hospital Board, Lincoln Chamber of Commerce, Nebraska Real Estate Association, Beta Theta Pi Alumni Association, Tabitha Development Corporation, Nebraska Junior Chamber of Commerce, Masonic Lodge, where he was a thirty-third degree Mason, and the Board of Trustees of the University of Nebraska-Lincoln Foundation. Mr. Swanson also received the University of Nebraska-Lincoln Distinguished Service Award in 1994; and

WHEREAS, Mr. Swanson died on January 23, 2007, at the age of eighty-four.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST

SESSION:

1. That the Legislature extends its condolences to the family of William F. Swanson.

2. That a copy of this resolution be sent to the family of William F. Swanson.

Laid over.

NOTICE OF COMMITTEE HEARINGS**Business and Labor**

Room 2102

LB 255	Monday, February 5, 2007	1:30 p.m.
LB 271	Monday, February 5, 2007	1:30 p.m.
LB 505	Monday, February 5, 2007	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

General Affairs

Room 1510

Monday, February 26, 2007 (cancel)	1:30 p.m.
David E. Gardels - Nebraska Arts Council	

Monday, February 5, 2007 (reschedule)	1:30 p.m.
David E. Gardels - Nebraska Arts Council	

(Signed) Vickie McDonald, Chairperson

Revenue

Room 1524

LB 158	Wednesday, February 7, 2007 (cancel)	2:30 p.m.
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(Signed) Ray Janssen, Chairperson

Judiciary

Room 1113

LB 695	Friday, February 2, 2007	1:30 p.m.
LB 692	Friday, February 2, 2007	1:30 p.m.
LB 491	Friday, February 2, 2007	1:30 p.m.
LB 138	Friday, February 2, 2007	1:30 p.m.
LB 81	Friday, February 2, 2007	1:30 p.m.
LB 143	Friday, February 2, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

MOTION - Print in Journal

Senator Heidemann filed the following motion to LB 158:
Withdraw LB 158.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 80A. Introduced by Louden, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 80, One Hundredth Legislature, First Session, 2007.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 482. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 700. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Harms withdrew his name as cointroducer to LB 261.

ADJOURNMENT

At 12:12 p.m., on a motion by Senator Schimek, the Legislature adjourned until 10:00 a.m., Monday, January 29, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

